

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FARZIN TABIB AND
SHAHLA AFSHAR,

Plaintiffs,

VS.

METROPOLITAN LLOYDS INSURANCE
COMPANY OF TEXAS AND
JOHN CROUCH,

Defendant.

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CIVIL ACTION NO.

5:21-cv-116

(JURY)

**MOTION TO DISMISS WITH PREJUDICE
PURSUANT TO TEXAS INSURANCE CODE §542A.006**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants Metropolitan Lloyds Insurance Company of Texas and John Crouch (Defendants), and file this Motion to Dismiss with Prejudice Pursuant to Texas Insurance Code §542A.006 against Defendant John Crouch, and in support thereof would respectfully show unto the Court the following:

I.

Plaintiffs Farzin Tabib and Shahla Afshar filed Claim Number JDI25792 with Metropolitan for alleged damage to their property which occurred on April 13, 2019. Claim Number JDI25792 was adjusted by John Crouch at Metropolitan's request. For purposes of this election, John Crouch is considered Metropolitan's "agent" under Texas Insurance Code § 542A.001, which defines the

term “agent” as an employee, agent, representative, or adjuster who performs any act on Metropolitan’s behalf.

Plaintiffs commenced this action, styled Farzin Tabib and Shahla Afshar v. Metropolitan Lloyds Insurance Company of Texas and John Crouch, by filing Plaintiffs’ Original Petition on January 4, 2021 under Cause Number 2021CI00047 in the 73rd District Court, Bexar County, Texas. On January 26, 2021, pursuant to §542A.006(c), Metropolitan filed its Election of Legal Responsibility for whatever liability John Crouch might have to Plaintiffs for John Crouch’s acts or omissions related to Claim Number JDI25792. Therefore, pursuant to §542A.006, the Court shall dismiss the action against John Crouch.

WHEREFORE, PREMISES CONSIDERED, Defendants Metropolitan Lloyds Insurance Company of Texas and John Crouch pray that this Motion be granted in its entirety, and that the above-referenced cause be dismissed with prejudice as to the refiling of same as to all claims of Plaintiffs against Defendant John Crouch, with any and all taxable costs of Court taxed against the party incurring same.

Respectfully submitted,

STACY | CONDER | ALLEN LLP



By: _____

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METROPOLITAN LLOYDS INSURANCE
COMPANY OF TEXAS

CERTIFICATE OF SERVICE

On the 5th day of February, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served counsel of record electronically and/or by facsimile and/or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) and by the Texas Rules of Civil Procedure.



Dennis D. Conder